

WINSTON &amp; STRAWN DOCKET NO.: 89976-2700

**DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

**TOOTH SHADE SCAN SYSTEM AND METHOD**

and for which a patent application:

- ☐ is attached hereto and includes amendment(s) filed on \_\_\_\_\_ (if applicable)
- ☒ was filed in the United States on October 3, 2003 as Application No. 10/678,543 (declaration not accompanying application) with amendment(s) filed on \_\_\_\_\_ (if applicable)
- ☐ was filed as PCT international Application No. \_\_\_\_\_ on \_\_\_\_\_ and was amended under PCT Article 19 on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

PROVISIONAL APPLICATION NUMBER	FILING DATE

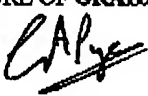
I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

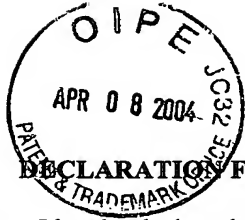
NON-PROVISIONAL APPLICATION NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED

\* for use only when the application is assigned to a company, partnership or other organization.

WINSTON &amp; STRAWN DOCKET NO.: 89976-2700

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

2	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME
0	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
4	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY ZIP CODE
	SIGNATURE OF GRAHAM PYE			DATE
				2nd April 2004
2	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME
0	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
1	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY ZIP CODE
	SIGNATURE OF HARALD KERSCHBAUMER			DATE
2	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME
0	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
4	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY ZIP CODE
	SIGNATURE OF			DATE



89976-2700

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			<input type="checkbox"/> YES <input type="checkbox"/> NO
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NON-PROVISIONAL APPLICATION NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

2 0 4	FULL NAME OF INVENTOR	LAST NAME <b>PYE</b>	FIRST NAME <b>Graham</b>	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY <b>Genk</b>	STATE OR FOREIGN COUNTRY <b>Belgium</b>	COUNTRY OF CITIZENSHIP <b>Great Britain</b>	
	POST OFFICE ADDRESS	STREET <b>Oude Postbaan 46</b>	CITY <b>Genk</b>	STATE OR COUNTRY <b>Belgium</b>	ZIP CODE <b>3600</b>
		SIGNATURE OF <b>GRAHAM PYE</b>		DATE	
2 0 1	FULL NAME OF INVENTOR	LAST NAME <b>KERSCHBAUMER</b>	FIRST NAME <b>Harald</b>	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY <b>Klaus</b>	STATE OR FOREIGN COUNTRY <b>Austria</b>	COUNTRY OF CITIZENSHIP <b>Austria</b>	
	POST OFFICE ADDRESS	STREET <b>Gugger-Nussbaum 35</b>	CITY <b>Klaus</b>	STATE OR COUNTRY <b>Austria</b>	ZIP CODE <b>6833</b>
		SIGNATURE OF <b>HARALD KERSCHBAUMER</b> 		DATE <b>03/02/09</b>	
2 0 4	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
		SIGNATURE OF		DATE	



POWER OF ATTORNEY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Graham PYE et al.

Confirmation No.: 1314

Application No.: 10/678,543

Group Art Unit: 3732

Filing Date: October 3, 2003

Examiner:

For: TOOTH SHADE SCAN SYSTEM  
AND METHOD

Attorney Docket No.: 89976-2700

**POWER OF ATTORNEY BY ASSIGNEE  
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints Allan A. Fanucci (Reg. No. 30,256) and Daniel J. Hulseberg (Reg. No. 36,554) of WINSTON & STRAWN LLP (Customer No. 28765) to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith.

Please direct all correspondence for this application to Customer No. 28765 to the attention of Allan A. Fanucci (telephone 212-294-3311, facsimile 212-294-4700).

An assignment of the entire interest in the above-identified subject application:

- ☒ is submitted herewith for recording and a copy is attached.  
☐ was submitted for recordation on \_\_\_\_\_ and a copy is attached.  
☐ was recorded on \_\_\_\_\_ at Reel \_\_\_\_\_, Frame \_\_\_\_\_.

The undersigned has reviewed this assignment and, to the best of his/her knowledge, title is in the assignee seeking to take action in this application and that he/she is empowered to act on its behalf.

ASSIGNEE: **SHADE ANALYZING TECHNOLOGIES, INC.**

Signature: \_\_\_\_\_

Date of Signature: \_\_\_\_\_

Typed Name: \_\_\_\_\_

Position/Title: \_\_\_\_\_

Address: \_\_\_\_\_

*Maryann Lehmann*

*January 29, 2004*

Maryann Lehmann

President

5 Brook Street

Darien, CT 06820

**ASSIGNMENT**

WHEREAS, each of,

**Graham PYE**, a citizen of Great Britain residing at  
Oude Postbaan 46, 3600 Genk, Belgium.

ASSIGNOR, is an inventor of the invention entitled: **TOOTH SHADE SCAN SYSTEM AND METHOD** for which a United States patent application is identified by Winston & Strawn LLP Docket No. 89976-2700 and

- ☐ is being filed concurrently with the recordation of this Assignment.
- ☒ was filed on October 3, 2003 as Application No. 10/678,543.

WHEREAS, **SHADE ANALYZING TECHNOLOGIES, INC.**, a corporation having a place of business at 5 Brook Street, Darien, CT 06820, ASSIGNEE, is desirous of obtaining my entire right, title and interest in, to and under the said invention and the said application.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to each inventor in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, each ASSIGNOR has sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, their entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof;

And each ASSIGNOR hereby authorizes and requests the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument;

And each ASSIGNOR hereby covenants and agrees that they have full right to convey the entire interest herein assigned, and that they have not executed, and will not execute, any agreement in conflict herewith;

And each ASSIGNOR further covenants and agrees that they will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to them respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE or, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries;

And each ASSIGNOR hereby authorizes the ASSIGNEE's patent attorney to complete this form by the addition of the application number, application filing date, and attorney docket number, if necessary.

In witness whereof, each inventor has affixed their signature.

Date 2nd April, 2004 G. Pye Graham PYE

On 2nd April, 2004, before me, M. SNEIJERS,  
Witness, appeared Graham PYE, to me known and known to me to be the person of that name, who signed the foregoing instrument, and acknowledged the same to be his/her free act and deed.

Witness [Signature]

## POWER OF ATTORNEY

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Graham PYE et al.

Confirmation No.: 1314

Application No.: 10/678,543

Group Art Unit: 3732

Filing Date: October 3, 2003

Examiner:

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AND METHOD

Attorney Docket No.: 89976-2700

**POWER OF ATTORNEY BY ASSIGNEE  
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71**Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints Allan A. Fanucci (Reg. No. 30,256) and Daniel J. Hulseberg (Reg. No. 36,554) of WINSTON & STRAWN LLP (Customer No. 28765) to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith.

Please direct all correspondence for this application to Customer No. 28765 to the attention of Allan A. Fanucci (telephone 212-294-3311, facsimile 212-294-4700).

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- ☒ is submitted herewith for recording and a copy is attached.  
☐ was submitted for recordation on \_\_\_\_\_ and a copy is attached.  
☐ was recorded on \_\_\_\_\_ at Reel \_\_\_\_\_, Frame \_\_\_\_\_.

The undersigned has reviewed this assignment and, to the best of his/her knowledge, title is in the assignee seeking to take action in this application and that he/she is empowered to act on its behalf.

ASSIGNEE: **IVOCLAR VIVADENT AG**

Signature: \_\_\_\_\_

Date of Signature: January 29, 2004Typed Name: Dr. Volker Rheinberger Patrik OehriPosition/Title: Chief Technology Officer Director R&D ServicesAddress: Bendererstrasse 29494 SchaanLiechtenstein



**ASSIGNMENT**

WHEREAS, each of,

**Harald KERSCHBAUMER**, a citizen of Austria residing at  
Gugger-Nussbaum 35, 6833 Klaus, Austria.

ASSIGNOR, is an inventor of the invention entitled: **TOOTH SHADE SCAN SYSTEM AND METHOD** for which a United States patent application is identified by Winston & Strawn LLP Docket No. 89976-2700 and

- ☐ is being filed concurrently with the recordation of this Assignment.
- ☒ was filed on October 3, 2003 as Application No. 10/678,543.

WHEREAS, **IVOCLAR VIVADENT AG**, a company having a place of business at Bendererstrasse 2, 9494 Schaan, Liechtenstein, ASSIGNEE, is desirous of obtaining my entire right, title and interest in, to and under the said invention and the said application.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to each inventor in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, each ASSIGNOR has sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, their entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof;

And each ASSIGNOR hereby authorizes and requests the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument;

And each ASSIGNOR hereby covenants and agrees that they have full right to convey the entire interest herein assigned, and that they have not executed, and will not execute, any agreement in conflict herewith;

And each ASSIGNOR further covenants and agrees that they will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to them respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute

all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE or, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries;

And each ASSIGNOR hereby authorizes the ASSIGNEE's patent attorney to complete this form by the addition of the application number, application filing date, and attorney docket number, if necessary.

In witness whereof, each inventor has affixed their signature.

Date 24.01.04, 2004 Harald Kerschbaumer  
Harald KERSCHBAUMER

On 29th January, 2004, before me, Margot Retuga,  
Witness, appeared **Harald KERSCHBAUMER**, to me known and known to me to be the person of that name, who signed the foregoing instrument, and acknowledged the same to be his/her free act and deed.

M. Retuga  
Witness